



TR CMP(MD) NO. 744 of 2

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04-11-2025

CORAM

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

TR CMP(MD) NO. 744 of 2023

and

CMP.(MD) No.16552 of 2023

Senthilkumari

C/o.Ramachandran, Plot No.29, Karpaga Vinayagar Nagar,  
Marani Road, Oomachikulam, Alattur, Madurai District.

Appellant(s)

Vs

Sethuramalingam @ Ramachandran

S/o.Ramakrishnan, No.1//71/1, Mela Street, Thalaivankottai village,  
Perungkottoor village, Thiruvankadam Taluk, Tenkasi District.

Respondent(s)

**Prayer:** Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to pass an order to withdraw the case H.M.O.P.No.177 of 2023 on the file of Learned Sub-Court, Sankarankovil, Tenkasi District to transfer the same to on file of Family Court, Madurai, Madurai District for adjudication.

**For Appellant(s):**

Mr.D.Balamurugapandi

**For Respondent(s):**

Mr.P.Ranjith Raja



## ORDER

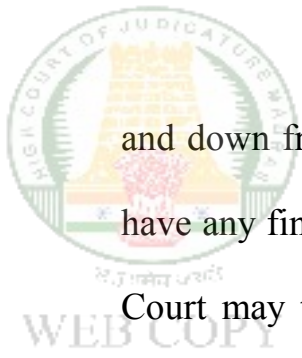
The present Transfer Civil Miscellaneous Petition has been filed with the following prayer:

"to withdraw the case in H.M.O.P.No.177 of 2023 on the file of the Subordinate Court, Sankarankovil, Tenkasi District and transfer the same to the file of Family Court, Madurai, Madurai District."

2.Heard Mr.D.Balamuruga Pandi, learned counsel for the petitioner and Mr.P.Ranjith Raja, learned counsel for the respondent.

3.The petitioner is the wife and the respondent is the husband and their marriage was solemnized on 23.08.2009, according to Hindu rites and customs and out of their wedlock, they were blessed with two children, namely, Gogulakannan and Lingeswaran. Due to matrimonial dispute arose between them, the petitioner had left the matrimonial home. The respondent/husband has filed H.M.O.P.No.177 of 2023 before the Sub-Court, Sankarankovil, Tenkasi District, seeking divorce. Seeking transfer of the above H.M.O.P.No.177 of 2023 from the file of Sub-Court, Sankarankovil, Tenkasi District, to the file of Family Court, Madurai, Madurai District, the present Transfer Civil Miscellaneous Petition has been filed.

4.Mr.D.Balamuruga Pandi, learned counsel for the petitioner submits that being a lady, it is very difficult for the petitioner to travel more than 200 kms., approximately up



and down from Madurai to Sankarankovil, for all the Court hearings and also she do not have any finance to meet the travel and other incidental expenses. Thus, he prays that this Court may transfer the case in HMOP.No.177 of 2023 from the file of the Sub-Court, Sankarankovil, Tenkasi District to the file of Family Court, Madurai, Madurai District.

5.This Court, vide order, dated 13.10.2025, had passed the following order:

*“This case is listed before this Court for rehearing today, as regular Bench, as per the order, dated 15.09.2025, of the Honourable The Chief Justice of this Court.*

*2.Mr.D.Balamuruga Pandi, learned counsel for the petitioner submits that the matter has been listed after a lapse of nearly a year and hence, the learned counsel prays for an adjournment to get instructions from the petitioner in this matter.*

*3.Mr.R.J.Karthik, learned counsel for the respondent prays for two weeks time to file counter affidavit on behalf of the respondent.*

*4.Accordingly, two weeks and no more time is granted to the learned counsel for the respondent to file a counter affidavit on behalf of the respondent and thereafter, one week time is granted to the learned counsel for the petitioner to file rejoinder affidavit to the counter affidavit filed by the respondent.*

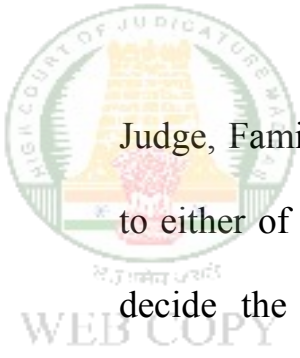
*5.The learned counsel for the petitioner is also directed to file the current status of the case pending before the Trial Court on the next date fixed.*



*6.Put up this case 'For Orders' on 04.11.2025 before the appropriate Bench. There shall be an order of stay of all further proceedings in HMOP.No.177 of 2023 on the file of the Subordinate Court, Sankarankovil, Tenkasi District, till the date of next hearing.”*

6.Despite this Court granting sufficient opportunity to the learned counsel for the respondent to file a counter affidavit, he has not filed the same. However, he has made submissions, objecting to transfer the case in HMOP.No.177 of 2023 from the file of the Sub-Court, Sankarankovil, Tenkasi District, to the file of Family Court, Madurai, Madurai District.

7.Accordingly, after considering the arguments as advanced by the learned counsel for the parties, considering the fact that the petitioner, being a lady, would be facing difficulty to travel about more than 200 kms approximately up and down to attend all the Court hearings before the Sub-Court, Sankarankovil, Tenkasi District, where the HMOP.No.177 of 2023 is pending and that she is also facing finance constraint to meet travel and incidental expenses and also considering the averments made in the affidavit filed in support of the present Transfer Civil Miscellaneous Petition, this Transfer Civil Miscellaneous Petition is **allowed**, as prayed for. The matrimonial case in HMOP.No.177 of 2023, on the file of the Sub-Court, Sankarankovil, Tenkasi District, is hereby ordered to be withdrawn and transferred to the file of the Family Court, Madurai. The learned



Judge, Family Court, Madurai, Madurai District, is directed not to give any adjournment to either of the parties unless there is any cogent reason or stay by any higher Court and decide the case, on merits and in accordance with law, expeditiously. No costs. Consequently, connected Miscellaneous Petition is closed.

8. Registry is directed to communicate this order to the learned Subordinate Judge, Sankarankovil, Tenaksi District, as well as to the learned Judge, Family Court, Madurai, Madurai District, for its necessary compliance and information, within a period of 10 days from today.

Index : Yes / No  
Internet : Yes / No  
NCC : Yes / No

**04.11.2025**

mm

To

1. The Subordinate Judge, Sankarankovil, Tenkasi District.
2. The Judge, Family Court, Madurai.



WEB COPY



**SHAMIM A**

mm

**TR CMP(MD) NO. 744 of 2023**

04.11.2025